

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED ON: 6/25/2020 INDEX NO.: 1:20-CV-02831-RPK-

DAVID WHIATKER, MON ETHOS PRO CONSULTING, LLC

Plaintiff(s)-Petitioner(s)

-VS-

BBF PARTNERS, LLC; DAY TO DAY FUNDING, LLC; MZEED INC.; RAPID CAP, INC., et al.

Defendant(s)-Respondent(s)

STATE OF NEW YORK }  
COUNTY OF SARATOGA ss. }

I, Mark McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years and is not a party in this proceeding and resides in the State of New York.

On JULY 14, 2020 at 1:30 P.M.

Deponent served a true copy of **SUMMONS IN A CIVIL ACTION, VERIFIED COMPLAINT JURY TRIAL DEMANDED**

bearing index number: 1:20-CV-02831-RPK- and date of filing: 6/25/2020  
upon **DAY TO DAY FUNDING, LLC**  
at address: **SECRETARY OF STATE, 99 WASHINGTON AVENUE**  
city and state: **ALBANY, NY 12210**

MANNER OF SERVICE

Personal

- ☐ By delivering to and leaving with personally }  
known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

Suitable Age Person

- ☐ By delivering and leaving with personally }  
at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

Authorized Agent

- ☒ By delivering and leaving 2 copies with } **SUE ZOUKY, BUSINESS DOCUMENT SPECIALIST**  
the agent for service on the person in this proceeding designated under 303 LLC . Service having been made to such person at the place, date and time above.

Affixing to Door, Etc.

- ☐ By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above. Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

Mailing

- ☐ Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential" and mailed to the person stated above at address  
on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by \_\_\_first class mail \_\_\_certified mail \_\_\_registered mail \_\_\_return receipt requested.  
Certified/Registered mail #

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION } deponent describes the person actually served as:

Sex: FEMALE Race/Skin Color: WHITE  
Approximate Age: 60 years Approximate Height: 5'4"  
Other:

Hair Color: BLONDE  
Approximate Weight: 130 pounds

Subscribed and sworn before me on } JULY 14, 2020

Notary Public, State of New York  
Karen E. Rock

Qualified in Schenectady County  
Number 01R06065213  
Expires: October 9, 2021

NLS #: 220004

Calcagni & Kanefsky, LLP  
85 Broad Street, Suite 17031  
New York, NY 10004

Mark McClosky  
Deponent